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LEGISLATIVE RESEARCH COMMISSION

CAMPAIGN AND ELECTION PROCEDURES

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REPORT TO THE 1987 GENERAL ASSEMBLY OF NORTH CAROLINA

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LEGISLATIVE RESEARCH COMMISSION

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December 12, 1986

TO THE MEMBERS OF THE 1987 GENERAL ASSEMBLY:

The Legislative Research Commission herewith reports to the 1987 General Assembly on the matter of campaign and election procedures. The report is made pursuant to Chapter 1032 of the 1985 Session Laws.

This report was prepared by the Legislative Research Commission's Committee on Campaign and Election Procedures and is transmitted by the Legislative Research Commission for your consideration.

Respectfully submitted,

Liston B. Ramsey

J. J. (Monk) Harrington

Cochairmen
Legislative Research Commission

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PREFACE

The Legislative Research Commission, authorized by Article 6B of Chapter 120 of the General Statutes, is a general purpose study group. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has ten additional members, five appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigation into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most effective manner" (G.S. 120-20.17(1)).

At the direction of the 1985 General Assembly, the Legislative Research Commission has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given the responsibility for one category of study. The cochairmen of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairmen, one from each house of the General Assembly, were designated for each committee.

The study of Campaign and Election Procedures was authorized by Section 1(4) of Chapter 1032, Session Laws of 1985.

The Legislative Research Commission grouped this study in the State Government Operation area under the direction of Representative Chris Barker. The cochairmen of the study commission established by the Legislative Research Commission are Senator William Martin and Representative Robert Hunter. The full membership of the committee is listed in Appendix A of this report. Chapter 1032 authorizing this study and Senate Bill 1002, 1985 Session, which the committee was authorized to consider in determining the scope of the study are attached as Appendices B and C.

COMMITTEE PROCEEDINGS

The Committee on Campaign and Election Procedures held four meetings. At the first meeting on October 14, 1986, the Committee heard from Libby Lefler, a staff attorney on the legislative staff about developments in the 1990 redistricting data program of the U.S. Census Bureau, (see Appendix D) and from James Wallace, Assistant Attorney General, concerning subjects which his office and the State Board of Elections needed to have legislation on. (see Appendix E) Committee Counsel Gerry Cohen also made a presentation on several election law issues.

At the second meeting on November 5, 1986, the Committee discussed several pieces of draft legislation submitted by staff from items raised at the first meeting, and adopted a number of proposals. At the request of the co-chairmen, Committee Counsel Gerry Cohen also briefly discussed the terms of office and years of election of Governors in other states. (see Appendix F) The Committee requested some expert testimony on this matter at its next meeting.

At the third meeting on November 21, 1986, the Committee heard from Mr. Cohen and Ms. Lefler concerning the Redistricting data program, and from Professor Thad Beyle of the University of North Carolina at Chapel Hill (see Appendix G for Mr. Beyle's remarks) concerning changes in the election year for the Governor and other statewide officers. The Committee continued discussion on other matters and approved several more draft bills.

At the final meeting on December 3, 1986, the Committee adopted a recommendation to change the election date for the Governor and Council of State, completed action on several other recommendations, and adopted this report.

RECOMMENDATIONS

After reviewing the election process, and hearing comments from persons involved in election law, election administration, and the political process, the committee makes the following 16 recommendations, accompanied by 15 draft bills which immediately follows these written explanations.

RECOMMENDATION #1. ELECTION OF GOVERNOR AND COUNCIL OF STATE. Only nine of the 47 states with four-year terms for Governor conduct their statewide elections in the Presidential election year. Presidential elections tend to drown out the gubernatorial competition in those cases. State contests are nationalized and state issues ignored. North Carolina's increasing party competitiveness should encourage both Republicans and Democrats to fight out state issues in the broad daylight of an even-year, off presidential year election.

The best way to separate any change from the personalities involved is to not reduce the options for any potential candidates for Governor and Council of State in 1988, by providing a transitional six-year term, and providing for implementing the change starting with a six-year term at the 1992 election. This six-year term from 1992 to 1998 can be served in conjunction with a four-year term either before or after in the case of the Governor and Lieutenant Governor. Although a six-year term is novel from a national perspective, there has been substantial legislative support in the past for a six-year term, and this will provide for a sharp reduction in campaign and election expenses in contrast with a transitional two-year term.

Draft #1 provides for a draft constitutional amendment to accomplish the recommendation. Some adjustments would need to be made in the Election Campaign Fund Act, but the committee recommends that these adjustments be made in 1989 session if the amendment passes.

RECOMMENDATION #2. VOTER PURGES. With a permanent voter registration system, there is a need to keep an accurate list of voters, because if there was no means for removing voters who have moved from the jurisdiction or have died, the voter list would continually increase and be less and less useful. North Carolina law does provide that death certificates are periodically sent to counties to remove those names from the voter list, but a process of removing persons for failure to vote is the simplest way for keeping the rolls up to date, provided there are sufficient safeguards to allow persons to easily remain on the rolls if they remain resident in the county but choose not to vote.

With the growing urbanization and accompanying transient population in North Carolina, the current system results in leaving too many names of nonexistent persons on the voter list, while at the same time not making it as easy as possible to keep persons on the list who still remain in the local area. Inaccurate lists result in unnecessary expenditures for ballot printing and election records, cause candidates extra expenditures on direct mail and other voter activities, and invite election fraud.

Current North Carolina law provides that after each presidential election, voters who did not vote in the two preceding presidential elections or any election in between are purged. This means that before a presidential election, persons are still on the books even though they have not voted in "eight years less one day". In other words, after the 1988 presidential election, anyone who voted in the 1984 or 1988 presidential election, or any election in between, stays on the books, and those names remain on until after the 1992 presidential election.

Draft #2 changes the rule so that there is a second purge period. In 1988, there would be a purge under the current rules (voting in the 1984 presidential election would be enough to keep the voter on the books), but in 1990 there would be a purge after the U.S. Senatorial election, and in that purge, any voter who last voted in the 1984 Presidential election would be purged. This has the added benefit of spreading out the purge process for the counties. In order to implement the bill in the current election cycle, there will be a purge at the end of 1987 of those who last voted in the 1980 Presidential election. This purge would have occurred at the end of 1986 if the bill had already been law.

The bill makes two other changes in the process. 1985 legislation required the board to send the voter a postcard "or other communication" preaddressed to the county, which the voter could return and stay on the books even if he had not voted. The draft require the return to be a preaddressed postcard, to make it less complicated for the voter to reply.

In addition, current law provides that in automated counties, party chairman be allowed to copy a list of voters to be purged. In non-automated counties, under current law the chairman is allowed to review the names (it was contemplated that in these counties if no list was made, the chairman could inspect the envelopes before they were mailed.) Draft #2 changes the rule so that the county provides the party chairman with a list. This allows the two parties to look over the names, circulate them in the precincts, and assist voters in remaining on the ballot.

While this imposes an additional duty on the counties, the added purge the bill provides will reduce the size of the voter list, thus saving ballot preparation and other costs in administering the elections themselves, and on balance should still result in a cost reduction to the counties. It is felt that these additional safeguards will assist in achieving Justice Department approval of the bill.

RECOMMENDATION #3. CANDIDATE WITHDRAWAL. Current law provides that in single-county elections, if a candidate wants to withdraw, the county board of elections must approve the request. No such discretion is allowed the State Board of Elections in a multi-county race, and current law provides no standards for counties to use, leading to potential capriciousness. Draft #3 removes this discretion of the county. Current law flatly forbids all withdrawals within the 30 days before an election, and this is not changed.

RECOMMENDATION #4. CURBSIDE VOTING. Current North Carolina statutes limit curbside voting for the disabled to 7:00 a.m. to 6:00 p.m. Under federal law, this restriction is not allowed. Draft #4 allows curbside voting during the entire time the polls are open.

RECOMMENDATION #5. NOTARIZATION OF ABSENTEE BALLOTS. Current North Carolina law requires all civilian absentee ballots to be notarized except for those coming from overseas. Federal law prohibits states from requiring absentee ballots for the handicapped from being notarized and the State Board of Elections has adopted regulations to eliminate notarization in these cases. The definition of handicapped in federal law is the same as ours for sickness or disability, one of our grounds for obtaining the ballot.

The committee feels that the same ground rules should apply to all applicants for absentee ballots, and that notarization is an unnecessary requirement. Florida eliminated notarization of absentee ballots in 1981. Attached draft #5 eliminates the requirement of notarization for civilian and military ballots, and substitutes a requirement that two persons aged 18 or over witness the ballot envelope, and sign their names and addresses. This is identical to the Florida law. False statements are a felony.

RECOMMENDATION #6. COMPLIANCE WITH FEDERAL LAW. Current state law allows temporary compliance with the Federal Voting Accessibility for the Elderly and Handicapped Act until July 1, 1987. Draft #6 extends this until August 31, 1987, when other committee proposals take effect. The draft allows the state board to promulgate transfer rules for handicapped persons assigned to inaccessible polling places, but requires the State Board to provide for requests to be made in advance of election day. Current administrative regulations provides for the request to be made only on election day.

RECOMMENDATION #7. ADDRESS CHANGES. Voters can report address changes by mail, but the statute requires the mail to be returnable. Postcards mailed at the 14 cent rate are not returnable by the post office if sent to the wrong address. There seems no reason to require the voter to write a letter, and Draft #7 would allow postcards to be used.

RECOMMENDATION #8. BALLOT ORDER. It has always been the practice on the general election ballot to list candidates in alphabetical order within each political party, but there is no statute saying this. Draft #8 gives the force of law to this policy.

RECOMMENDATION #9. REQUIRED ABSENTEE BALLOT MEETINGS. State law provides for certain required meetings of the county boards of elections to pass on applications for absentee ballots. The law is complex, ambiguous, and confusing as to the procedure for changing times and dates of meetings, and the procedure for public notice of the meetings. Draft #9 rewrites this statute to be more readable and carry out a consistent policy.

RECOMMENDATION #10. SEVENTEEN YEAR OLD VOTERS. North Carolina allows a person to vote in a primary election if the person will be 18 years of age by the date of the general election, but provides a special period for these persons to register to vote. The period begins 60 days before the primary and ends with the close of the books for the primary.

Numerous questions have arisen about registration of such voters after this deadline. If a person who will be 18 on September 1 of the election year misses the special period, must the voter wait until September 1 to register? The practice between counties is inconsistent. If the same person turns 18 on October 15, when can he register if he misses the special period? Some counties allow this voter to register before the election, while some require the voter to register on election day under the exemption for persons whose qualifications mature after the close of registration books. Some counties may not even let this person vote at all, on the basis that they could have registered in March. Unfortunately, the voter may not have moved to the county until August.

Draft #10 would let voters register after the special period if they will be 18 by general election day, but they would not be eligible to vote in the interim except in primary elections. This policy will be consistent statewide, and is believed to be the practice in most counties now.

RECOMMENDATION #11. 1990 REDISTRICTING DATA PROGRAM. At a meeting of the Reapportionment Subcommittee of the National Conference of State Legislatures in Charleston, S.C. held on November 7, 1986, census bureau officials briefed state legislative staff on timetables and criteria for further implementation of the 1990 redistricting data program.

The Census Bureau will officially invite participation in Phase II of the program in June of 1987, and the State must respond by October of 1987. The state may choose to have the entire State participate, or act on a county-by-county basis. The 1985 implementing legislation calls for counties with a population of 55,000 or over to participate in Phase II, which are the 37 largest counties.

Maps will be mailed out by the Census Bureau to the State between September 1 and December 31, 1988, with the maps due back seven months from receipt. Block boundaries on the maps will be those established through the block boundary suggestion program (participated in by 35 of the 37 counties) and those added by the Census Bureau, and township and municipal boundaries will be those reported on the 1988 boundary and annexation survey conducted by the Census Bureau. In that program, counties and cities will be asked to draw township and municipal boundaries in effect on January 1, 1988. Those surveys are submitted by January 31, 1988.

The problem lies in changes in township and municipal boundaries between the 1988 and 1990 boundary and annexation surveys. If a precinct boundary follows a township or municipal boundary on the 1988 survey, which is not a visible feature, and the township or municipal boundary changes on the 1990 survey, we have a problem, because the precinct boundary will then be unacceptable.

Additionally, the Census Bureau has informally asked for a freeze on township boundaries because of the difficulty of keeping up with changes in those boundaries. Townships are no longer used as governmental units in North Carolina.

The State has two alternatives:

1) Freeze township and/or municipal boundaries from January 1, 1988 until January 2, 1990. The 1988 and 1990 surveys would then show the same boundaries, and the April 1, 1991 computer tapes from the Census Bureau would be immediately usable.

2) If there is no freeze, and if a township or municipal boundary which is also a precinct boundary and which is not a visible feature changes, census will contact the State in early 1990, and ask the State to move the precinct boundary or combine precincts for data reporting purposes. The former is time consuming, and will delay the usability of the 1991 computer tape for some undetermined period of time, as well as requiring last minute changes in the precinct boundaries. The latter will result in less building blocks for districting purposes.

A freeze on township boundaries will have minimal effect on county operations. The North Carolina Association of County Commissioners has no objection to freezing township boundaries, and has voted its support for legislation to insure that the census bureau continues to use townships as data units.

A freeze on municipal boundaries would have a negative impact on municipalities by requiring boundaries to remain unchanged for a reason not related to the local government itself. On the other hand, since township boundaries are acceptable for precinct boundaries, a freeze on township boundaries will eliminate the need for a freeze on municipal boundaries in areas where the township and municipality are one and the same. These cities where a township freeze would eliminate the need for a municipal freeze are Charlotte, Winston-Salem, Greensboro, Fayetteville, and Wilmington.

The committee believes that a balance can be struck which will advance the State's interest in having data tabulated by precinct in the 37 counties, usable as soon as possible after April 15, 1991, without unduly restricting municipal annexations. Recommendations are as follows:

1) Township boundaries in existence on January 1, 1988 are frozen until January 2, 1990. This restriction applies statewide.

2) In all counties with a population of 55,000 or over, annexation ordinances may not become effective after December 31, 1987 until January 2, 1990 if the annexation changes a municipal boundary which is a precinct boundary, unless the boundary being changed is either a township boundary or a visible feature used or expected to be used as a block boundary for the 1990 census.

3) To minimize the effect of recommendation #2, in those areas, annexation under Parts 1, 2, and 3 of the annexation law will be considered contiguous to a municipal boundary line which is immovable under recommendation #2 as long as the area to be annexed is more than 100 feet but less than 300 feet away from the boundary. This will leave satellite annexations around those cities, but the recommended legislation will allow the intervening areas to be annexed in 1990 or after under normal annexation procedures, but with a statutory finding that the area is developed for urban purposes, thus qualifying the area for annexation.

In addition, one more modification is required in the current law. All of the area within a legislative district must be contiguous. Some current election precincts have areas not contiguous. This makes the precinct useless as a building block unless it is combined with another precinct. The committee recommends that in counties with a population of 55,000 or over, all precincts must consist solely of contiguous territory.

It is felt that the above recommendations will balance competing interests. It will slightly complicate the municipal annexation process for two years in counties with a population of more than 55,000, except that it will not effect Charlotte, Winston-Salem, Greensboro, Fayetteville or Wilmington because the December 31, 1987 municipal/township boundary will remain a township boundary. Draft #11 implements these recommendations.

Additionally, county officials have in the past certified to census officials township boundaries which are different than the township boundaries used by county boards of elections. Therefore, the committee recommends that counties in responding to the 1987 through 1990 boundary and annexation surveys consult with the county board of elections and other appropriate officials before responding to the survey. Legislation is only recommended in this area if voluntary coordination does not work. This can be followed up during the 1987 session.

RECOMMENDATION #12. CRIMINAL PENALTIES. The election laws contain numerous criminal penalty section, many of which have differing penalties. The committee recommends that in all cases where the crimes are felonies, that they be standardized at Class I, and that all misdemeanors be standardized at a maximum six months in jail and/or $1000 fine. (Currently, absentee voting felonies are Class J and all other election law felonies are Class H). Draft #12 implements this recommendation.

RECOMMENDATION #13. COMPLIANCE WITH THE HENDON DECISION. North Carolina statutory law provides that if a voter marks a straight ticket and votes for an individual candidate of another party, the straight-ticket prevails. A federal court suit compels the opposite result, and Draft #13 would amend the statutes to follow the court order.

RECOMMENDATION #14. COUNTING OF WRITE-IN VOTES. North Carolina law provides that for a write-in vote to be counted, the voter must "...write-in the name of the person..." (G.S. 163-151(6)a). This is in contrast with the method of voting for candidate printed on the ballot, where the voter makes a "mark in the appropriate voting square or circle." (G.S. 163-151(1)). On computer counted ballots, however, machines in some areas are programmed to count write-in votes only if the voter marks or punches the write-in box.

While this method is certainly easier for a computer system, because it automatically segregates these ballots for hand counting without discarding all ballots having stray marks or fingerprints, it conflicts with the statutory requirement. Not only are votes not being counted for the write-in candidate, but votes are automatically being counted for straight-tickets for that office.

As a compromise for future elections, the committee recommends that for electronically counted ballots, the voter be allowed to merely write-in the name, but somewhere on each ballot will be a box to be marked or punched to indicate to the computer that there is a write-in somewhere on the ballot. The write-in will only be counted if this box is marked. Draft #14 implements this recommendation.

RECOMMENDATION #15. ELECTION RECOUNTS. Current statutes and case law concerning recounts of election results cause needless administrative procedures. The committee recommends that the General Assembly allow recounts at the request of the runner-up where the margin is less than one percent. The text of House Bill 819, 1985 session would accomplish this end. The text of House Bill 819 is attached as Appendix H.

RECOMMENDATION #16. POLLING PLACE CHANGES. Current law requires county boards to post notices at the courthouse run legal notices, and notify the party chairman when a polling place is changed. No actual notice to the voter is required, nor is there even a requirement that a notice be placed at the old polling place. While the committee recommends no legislation, it suggests that this matter be further studied.

Note: In draft legislation, some of the bills are written in a style to show where provisions of existing law ~~are to be deleted~~ and new material inserted.

Draft #1

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE GOVERNOR AND COUNCIL OF STATE TO BE ELECTED IN 1998 AND QUADRENNIALLY THEREAFTER, WITH A ONE-TIME SIX-YEAR TERM ELECTION IN 1992 SO AS TO PROVIDE TRANSITION.

The General Assembly of North Carolina enacts:

Section 1. Section 2(1) of Article III of the Constitution of North Carolina is rewritten to read:

"(1) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1998 at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified."

Sec. 2. Section 2 of Article III of the Constitution of North Carolina is amended by adding a new subsection to read:

"(1a) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1992 at the same time and places as members of the General Assembly are elected. Their term of office shall be six years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified."

Sec. 3. Section 7(1) of Article III of the Constitution of North Carolina is rewritten to read:

"(1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1998 and every four years thereafter, at the same time and places as members if the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified."

Sec. 4. Section 7 of Article III of the Constitution of North Carolina is amended by adding a new subsection to read:

"(1a) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1992, at the same time and places as members if the General Assembly are elected. Their term of office shall be six years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified."

Sec. 5. The amendments set out in Sections 1 through 4 of this act shall be submitted to the qualified voters of the State at the general election in November of 1988. That election shall be held and conducted under the laws then governing general elections in this State.

Sec. 6. At the election, each qualified voter presenting himself to vote shall be provided a ballot on which shall be printed the following:

"[ ] FOR constitutional amendment providing for the Governor and Council of State to be elected in 1992 for a six-year term, and in 1998 and every four years thereafter for a four-year term.

[ ] AGAINST constitutional amendment providing for the Governor and Council of State to be elected in 1992 for a six-year term, and in 1998 and every four years thereafter for a four-year term."

Notwithstanding the foregoing provisions of this section, voting machines may be used in accordance with rules prescribed by the State Board of Elections.

Sec. 7. If a majority of the votes cast are in favor of the amendments set out in Sections 1 through 4 of this act. then the amendments shall be certified by the State Board of Elections to the Secretary of State, who shall enroll the amendment among the permanent records of his office, and the amendments shall become effective January 1, 1993, and shall also apply to the 1992 election.

Sec. 8. The table in G.S. 163-1 is amended for the offices of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance be rewriting the entries under the columns "DATE OF ELECTION", to read "Tuesday next after

the first Monday in November 1992, and Tuesday next after the first Monday in November 1998 and every four years therafter", and by adding at the end of the column "TERM OF OFFICE", "except six years, from first day of January next after the 1988 election".

Sec. 9. Section 8 of this act shall become effective beginning with the 1992 election, but only become effective if the constitutional amendment proposed by Sections 1 through 4 of this act are approved.

Sec. 10. This act is effective upon ratification.

Draft #2

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PURGING THE VOTER REGISTRATION OF PERSONS AFTER EACH NON-PRESIDENTIAL GENERAL ELECTION WHO FAILED TO VOTE IN THE SECOND PRECEDING PRESIDENTIAL ELECTION, AND MAKE IT EASIER FOR PERSONS TO REMAIN VOTERS IF THEY FAIL TO VOTE.

The General Assembly of North Carolina enacts:

Section 1. The fourth and fifth paragraphs of G.S. 163-69 are rewritten to read:

~~"Any voter who fails to vote in any election held in the period between the two most successive presidential elections, shall be purged~~

In addition, beginning no later than January 2, 19~~8~~9, following the presidential election in 19~~80~~8 and thereafter in the period beginning no later than 30 days after each subsequent presidential election, the county board of elections shall ~~not~~ remove from the permanent registration records the name of any person who was registered to vote for the second preceding presidential electiob, but who has not voted, according to the poll or other record of voting, in either:

(1) One of the two most recent successive presidential elections, or

(2) In any other election conducted in the period between the two presidential elections.

In addition, during the period of November 15, 1987 through December 31, 1987, and thereafter in the period beginning no later than 30 days after each subsequent statewide general election for members of the General Assembly which is in a non-presidential election year, the county board of elections shall remove from the permanent registration records the name of any person who was registered to vote for the second preceding presidential election, but who has not voted, according to the poll or other record of voting, in either:

(1) The most recent presidential election, or

(2) In any election conducted in the period between the two most recent successive presidential elections.

Also, at any time, including the time required by this section for mandatory purging of persons who have not voted in the specified period, the county board of elections shall remove from the permanent registration records the names of all persons who have moved their residence from the county as indicated by cancellation notices received from other counties and other states and shall remove the names of those persons who have died according to the certified list received from the Department of Human Resources. Prior to removing any persons's name from the registration records for failure to vote as specified in the mandatory purge provision, the county board of elections shall cause to be mailed to the person affected, at the address shown on the permanent registration records, a notice to show cause why his registration should not be voided. Included with or as a part of the notice

shall be a postcard or other communication, preaddressed to the county board of elections, upon which the voter may state his current residence address, sign, and return. If the voter signs and returns the postcard or other communication and indicates an address within the county, his name shall not be removed from the permanent registration records. If the address indicated is an address different from that appearing on the registration records, and is in a different precinct, the board of elections shall immediately transfer the voter's registration to his new precinct, and notify the voter by return mail of his new voting place and precinct. If such persons shall appear at the county board of elections office, or shall furnish evidence by mail, and show that his qualifications to register and vote in the precinct in which he is registered remain the same, or if he has moved within the county and he shall transfer his registration to the precinct in which he resides in accordance with G.S. 163-72.2, his name shall not be removed from the permanent registration records. Any person whose name has been removed from these records for failure to vote for four consecutive years or for removal of residence from the county shall be permitted to reregister at any time he can demonstrate that he is qualified to register and vote. In each county which maintains voter registration records on electronic data processing equipment and presents the mailing lists for three years to show cause from such records, the county board of elections shall permit provide the county chairmen of the two political parties having the greatest number of voters in the county to copy a list of the names, precincts, and addresses of

all persons to whom notice to show cause has been sent under this subdivision section, or shall provide a copy of that list to the chairmen. In all other counties, the county board of elections shall permit the county chairmen of the two political parties having the greatest number of registered voters in the county or his designee to review and inspect the names, precincts, and addresses of all persons to whom notice to show cause has been sent under this subdivision. A copy of the list shall be open to public inspection and copying."

Sec. 4. This act is effective upon ratification.

Draft #3

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE THE REQUIREMENT THAT THE COUNTY BOARD OF ELECTIONS MUST APPROVE THE WITHDRAWAL OF ANY CANDIDATE IN A SINGLE COUNTY ELECTION.

The General Assembly of North Carolina enacts:

Section 1. The indicated part of the table in G.S. 163-114 is rewritten to read as follows:

"State Senator in a single county senatorial district Member of State House of Representatives in a single-county representative district	County executive committee of political party in which vacancy occurs, *but if the vacancy arises from a cause other than the withdrawal in the vacancy shall not be filled unless there is sufficient time before the election for the county board of elections to have ballots printed, then* provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in
Any elective county office	

voting, only those members of the county executive committee who reside within the district shall vote."

Sec. 2. This act is effective upon ratification.

Draft #4

A BILL TO BE ENTITLED

AN ACT TO ALLOW CURBSIDE VOTING DURING THE ENTIRE TIME THE POLLS ARE OPEN, SO AS TO COMPLY WITH THE FEDERAL VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-155 is amended by rewriting the material before the first colon to read:

"In any primary or election any qualified voter who is able to travel to the voting place, but because of age, or physical disability or physical barriers encountered at the voting place is unable to enter the voting place or enclosure to vote in person without physical assistance, shall be allowed to vote ~~between the hours of 7:00 A.M. and 6:00 P.M. only~~ either in the vehicle conveying such person to the voting place or in the immediate proximity of the voting place under the following restrictions:"

Sec. 2. This act is effective upon ratification.

Draft #5

A BILL TO BE ENTITLED

AN ACT TO REMOVE THE REQUIREMENT THAT AN ABSENTEE BALLOT BE NOTARIZED AND SUBSTITUTE A REQUIREMENT THAT IT BE WITNESSED BY AT LEAST TWO PERSONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-231(a1) is repealed.

Sec. 2. G.S. 163-231(a) is rewritten to read:

"(a1) Procedure for Voting Absentee Ballots.- In the presence of ~~an officer authorized to administer oaths~~ two other persons who are at least 18 years of age, the voter shall:

(1) Mark his ballots, or cause them to be marked by ~~one of such officers~~ persons in his presence according to his instructions;

(2) Fold each ballot separately, or cause each of them to be folded in his presence;

(3) Place the folded ballots in the container-return envelope and securely seal it, or have this done in his presence; and

(4) Make ~~and subscribe the~~ the certificate printed on the container return envelope according to the provisions of G.S. 163-229(b).

~~The officer authorized to administer oaths~~ The persons in whose presence the ballots were marked shall sign the certificate as a witness, and shall indicate their address. When thus executed, the sealed container-

return envelope, with the ballots enclosed, shall be transmitted in accordance with the provisions of subsection (b) if this section to the chairman of the county board of elections who issued the ballots.

In the case of registered voters who are residents of North Carolina but temporarily outside the United States, the procedures of subsection (a) of this section may be followed in lieu of the procedure of subsection (b)."

Sec. 3. G.S. 163-229(b)(2) is rewritten to read:

(2) On the other side shall be printed the return address of the chairman of the county board of elections and the following *affidavit* certificate:

'Affidavit Certificate of Absentee or Sick Voter

State of .....

County of .....

I, ..., do *solemnly swear* certify that I am a resident and registered voter in ..... precinct, ...County, North Carolina; that on the day of an election, ..., 19... (check whichever of the following statements is correct.)

( ) I will be absent from the county in which I reside.

( ) due to sickness or physical disability, or incarceration as a misdemeanant, I will be unable to travel to the voting place in the precinct in which I reside.

I further swear certify that I made application for absentee ballots, and that I marked the ballots enclosed herein, or that they were marked for me in my presence and according to my instructions. I understand it is a felony to falsely sign this certificate.

.....

(Signature of Voter)

Signature of Witness #1	Signature of Witness #2
Address of Witness #1	Address of Witness #2

NOTE: The witnesses must be at least 18 years of age."

Sworn/to/and/subscribed/before/me/this/////day/of/////19///

//////////////////////////////////

(Signature/and/seal/of/officer

administering/oath)

My/commission/(if/any)/expires

//////////////////////////////////

..//////////////////////////////////

(Title/of/officer)

-27-

If you are a resident of North Carolina who is residing temporarily outside the United States, you do not have to have this affidavit or certificate signed by an officer administering an oath, but instead check the box below and sign the following certification:

I am a resident of North Carolina but residing temporarily outside the United States. I certify that I made application for absentee ballots, and that I marked the ballots enclosed herein. I understand it is a felony to falsely sign this certificate.

_____

Signature of Voter

Sec. 4. The last three sentences of G.S. 163-227.2(c) is rewritten to read:

"The voter thereupon shall comply with the provisions of G.S. 163-231(a) except that he shall deliver the container return envelope to the chairman, member, supervisor of elections of the boardd, or an employee of the board, immediately after making and subscribing the affidavit certificate printed on the container-return envelope as provided in G.S. 163-229(b). All actions required by this subsection (c) shall be perfomed in the office of the board of elections. For the purposes of this section only, the chairman, member, supervisor of elections of the board, or full-time employee, authorized by the board, shall sign the application and the ballot as the witness and indicate the official title held by him or her, and shall charge no fee of any

voter for taking the acknowledgment required under this section. For ballots under this section, only one witness is required."

Sec. 5. The last paragraph of G.S. 163-248(c) is rewritten to read:

I understand it is a felony to falsely sign this certificate.

Witness my hand in the presence of .....[Insert name and rank of witnessing officer] this .....day of ....., 19...

.....

(Signature of voter)

Witness:.....

(Signature of witnessing officer #1: .....

Address of witness #1 .....

Signature of witness #2 .....

Adddress of witness #2 .....

Unit to which witnessing officer is assigned/////////////////

Note: This certificate may must be witnessed by any two persons who are 18 years of age or older commissioned officer or any noncommissioned officer of the Army, Navy, or equivalent rank in other branches of the armed forces of the United States."

Sec. 6. G.S. 163-250(a) is rewritten to read:

"(a) Procedure for Voting Absentee Ballots.- In the presence of ~~any commissioned officer or noncommissioned officer of the rank of sergeant in the army, petty officer in the navy, or equivalent rank in other branches of the armed forces of the United States~~ two persons who are at least 18 years of age, the voter shall:

(1) Mark his ballots, or cause them to be marked by one of such persons in his presence according to his instructions;

(2) Fold each ballot separately;

(3) Place the folded ballots in the container-return envelope and securely seal it; and

(4) Make the certificate printed on the container return envelope according to the provisions of G.S. 163-229(b). ~~The officer witnessing the voter's signature shall then complete the form on the container return envelope by signing his name in the appropriate place and entering his rank or title and the designation of the unit to which he is assigned.~~ The persons in whose presence the ballots were marked shall sign the certificate as witnesses.

Sec. 7. G.S. 163-275(16) is rewritten to read:

(16) For any person falsely to make the certificate provided by G.S. 162-229(b)(2) or G.S. 163-250(a)."

Sec. 8. This act shall become effective with respect to elections held on or after September 1, 1987.

Draft #6

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CONTINUED COMPLIANCE WITH THE FEDERAL VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.

The General Assembly of North Carolina enacts:

Section 1. Section 4 of Chapter 4, Session Laws, Extra Session of 1986, as amended by Section 4.1 of Chapter 1232, Session Laws of 1985, is rewritten to read:

"Sec. 4. This act is effective upon ratification, but expires as to elections held after ~~July 1,~~ August 31, 1987."

Sec. 2. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§163-69.2. **Accessible polling places.**--(a) The State Board of Elections shall promulgate rules to assure that any handicapped or elderly voter assigned to an inaccessible polling place, upon advance request of such voter, will be assigned to an accessible polling place. Such rules shall allow the request to be made in advance of the day of the election.

(b) Words in this section have the meanings prescribed by P.L. 98-435."

Sec. 3. This act is effective upon ratification, except that Section 2 shall become effective with respect to elections held on or after September 1, 1987.

Draft #7

A BILL TO BE ENTITLED

AN ACT TO PERMIT VOTERS TO REPORT CHANGES OF ADDRESS WITHIN THE COUNTY BY POSTCARD.

The General Assembly of North Carolina enacts:

Section 1. The first paragraph of G.S. 163-72.2(b) is rewritten to read:

"(b) In lieu thereof, the voter may in person, or by ~~returnable~~ first class mail, file a written report with the county board of elections, signed in his own hand, setting forth:

(1) His full name,

(2) His former residence address,

(3) His new residence address, and

(4) The date he moved to his new address."

Sec. 2. This act shall become effective August 1, 1987.

Draft #8

A BILL TO BE ENTITLED

A BILL TO PROVIDE THAT ON GENERAL ELECTION BALLOTS, NAMES IN MULTI-SEAT RACES ARE PRINTED ON THE BALLOT WITHIN A POLITICAL PARTY IN ALPHABETICAL ORDER.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-140(b) is amended by adding a new subdivision to read:

"(8) Order of candidates in multi-seat races. In a multi-seat race, within each political party that has nominated more than one candidate, the names of candidate shall appear on the ballot in alphabetical order within that party's column."

Sec. 2. This act shall become effective with respect to elections held on or after September 1, 1987.

Draft #9

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE POWER OF COUNTY BOARDS OF ELECTIONS TO HOLD REQUIRED MEETINGS FOR APPROVAL OF ABSENTEE BALLOTS AT ALTERNATE TIMES.

The General Assembly of North Carolina enacts:

Section 1. The second through fourth paragraphs of G.S. 163-230(2)a. are rewritten to read:

"Upon a majority vote, the county board of elections may hold ~~the/required~~ any such public meetings at an hour other than 10:00 A.M., and it may hold more than one session on each ~~Tuesday/and/Friday/it/is/required/to/meet~~ day it meets and may set the hours of any additional sessions. If the board desires to exercise either or both of the options granted by the preceding sentence, it shall do so ~~prior/to/the/date/on which/it/is/required/to/hold/its/first/public/meeting/under the/provisions/of/this/subdivision~~ no later than 70 days before the election ~~and/in/time/to/give/the/notice/required by/the/fourth/paragraph/of/this/letter/to/the/subdivision~~; thereafter, no change shall be made in the hours or dates fixed for the board's public meetings on absentee ballot applications.

*IT/SHALL/NOT/BE/NECESSARY/FOR/T*The chairman of the county board of elections *TO* shall give notice to other board members of the schedule of *WEEKLY* meetings of the board *WHICH/ARE/FIXED/AS/TO/TIME/AND/PLACE/BY/THIS/SECTION*.

If the county board of elections changes the time of holding its *TUESDAY/AND/FRIDAY* meetings or provides for additional meetings *ON/TUESDAYS/AND/FRIDAYS* in accordance with the terms of this subdivision, notice of the change in hour and notice of the schedule of additional meetings, if any, shall be published in a newspaper circulated in the county, and a notice thereof shall be posted at the courthouse door of the county, at least *ONE/WEEK/PRIOR/TO THE/TIME/FIXED/FOR/HOLDING/THE/FIRST/MEETING/UNDER/THIS SUBDIVISION,* 65 days prior to the election. Similar notice shall also be given of the dates and hours of the weekly meetings held until 30 days before the election."

Sec. 2. This act shall become effective with respect to elections held on or after September 1, 1987.

Draft #10

A BILL TO BE ENTITLED AN

AN ACT TO CLARIFY WHEN SEVENTEEN YEAR OLDS CAN REGISTER TO VOTE FOR THE PARTY PRIMARY ELECTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-59 is amended by adding the following at the end:

"In addition, persons who will become qualified by age to register and vote in the general election or regular municipal election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 2. G.S. 163-283 is amended by adding the following at the end:

"In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 3. G.S. 163-213.2 is amended by adding the following at the end:

"In addition, persons who will become qualified by age to register and vote in the general election for which the primary is held, who do not register during the special period may register

to vote after such period as if they were qualified on the basis of age, but until they are qualified by age to vote, they may vote only in primary elections."

Sec. 4. This act shall become effective with respect to elections held on or after September 1, 1986.

Draft #11

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR CONTINUING PARTICIPATION IN THE 1990 REDISTRICTING DATA PROGRAM OF THE U.S. BUREAU OF THE CENSUS.

The General Assembly of North Carolina enacts:

Section 1. The first sentence of G.S. 153A-19 is rewritten to read: "A county may by resolution establish and abolish townships, change their boundaries, and prescribe their names, except that no such resolution may become effective during the period beginning January 1, 1988 and ending January 2, 1990, and any resolution providing that the boundaries of a township shall change automatically with changes in the boundaries of a city shall not be effective during that period."

Sec. 2. Article 4 of Chapter 160A of the General Statutes is amended by adding a new Part to read:

"Part 6. Compliance with 1990 Census Redistricting Data Program.

" <160A-58.20. **Precinct boundaries.** (a) No annexation ordinance adopted under this Article shall become effective during the period beginning January 1, 1988 and ending January 2, 1990 if any of the boundary of the city contiguous to the boundary of the area to be annexed:

(1) is the boundary of a county election precinct; and

(2) is neither a township boundary or a visible feature used or expected to be used as a census block boundary in the 1990 census.

(b) For the purpose of G.S. 160A-31(f), G.S. 160A-41(1), and G.S. 160A-53(1), an area is contiguous to the municipal boundary if at all points where it is not otherwise contiguous to the municipal boundary, it is not less than 100 feet nor more than 300 feet from the nearest municipal boundary which:

(1) is the boundary of a county election precinct; and

(2) is neither a township boundary or a visible feature used or expected to be used as a census block boundary in the 1990 census.

(c) If because of the operation of G.S. 160A-37.1(h), G.S. 160A-37.3(g), G.S. 160A-38, G.S. 160A-49.1(h), G.S. 160A-49.3(g), G.S. 160A-50, the order of any court, or the operation of Section 5 of the Voting Rights Act of 1965, an annexation ordinance is to become effective during the period beginning January 1, 1988 and ending January 2, 1990, it shall instead become effective on a date during the period beginning January 2, 1990 and ending December 31, 1990 set by ordinance of the governing board of the city.

(d) If the period established by G.S. 160A-31(d), G.S. 160A-37(e)(4), G.S. 160A-49(e)(4) or G.S. 160A-58.2 includes any time during the period beginning January 1, 1988 and ending January 2, 1990, that time period is extended to include an equal number of days beginning January 2, 1990.

(e) If a city has annexed any area which is contiguous because of the provisions of subsection (c) of this section, the area between 100 and 300 feet from the corporate limits which was not annexed is developed for urban purposes for the purposes of Parts 2 or 3 of this Article.

(f) This section is only effective in a county with a population of 55,000 or over, according to the 1980 decennial federal census."

Sec. 2.1. G.S. 163-132.2 is amended by adding a new subdivision to read:

"(1a) Alter, where necessary, precinct boundaries so that each precinct is composed solely of contiguous territory.

Sec. 3. G.S. 163-132.2(b) is amended by adding the following at the end: "Additionally, the Legislative Services Office shall submit to the State Board of Elections its opinion as to whether each precinct is composed solely of contiguous territory."

Sec. 4. G.S. 163-132.2(c) is amended by adding the following at the end: "If the State Board finds that a precinct does not consist solely of contiguous territory, it shall alter the precinct boundary so that it consists solely of contiguous territory."

Sec. 5. G.S. 163-132.2(f) is amended by adding the following at the end: "When the State Board of Elections files with the Census Bureau precinct boundaries, those boundaries shall be those effective at the date of submission, but with any change with a postponed effective date made under subsection (d) of this section."

Sec. 6. G.S. 163-132.2(a)(3) is rewritten to read:

(3) File, within ~~60~~ 30 days of the date the maps are sent by the Legislative Services Office or January 1, 1989, whichever is later ~~at an earlier time deemed necessary by the State Board of Elections~~, with the State Board and the Legislative Services Office the maps identifying the precinct boundaries and a written description of those boundaries deemed sufficient by the State Board of Elections."

Sec. 7. This act is effective upon ratification.

Draft #12

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR STANDARDIZATION OF CRIMINAL PENALTIES FOR ELECTION LAW VIOLATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-90.3 is amended by deleting "perjury", and substituting "a felony".

Sec. 2. G.S. 163-152(e) is amended by deleting "unlawful", and substituting "a misdemeanor".

Sec. 3. The last paragraph of G.S. 163-155 is rewritten to read: "A violation of this section is a misdemeanor."

Sec. 4. G.S. 163-177 is amended by deleting "and subject to a fine of one thousand dollars ($1,000)".

Sec. 5. G.S. 163-221(c) is rewritten to read:

"(c) Any person who wilfully violates this section is guilty of a misdemeanor."

Sec. 6. G.S. 163-226.3(a) is amended by deleting "Class J felony", and substituting "felony".

Sec. 7. G.S. 163-237(b) is amended by deleting ", and uopn conviction shall be fined not less than one hundred dollars ($100.00), or imprisoned not less than 60 days, or both, in the discretion of the court".

Sec. 8. The last paragraph of G.S. 163-236 is rewritten to read:

"The willful violation of this section is a misdemeanor."

Sec. 9. G.S. 163-270 is amended by deleting ", and shall be punished by imprisonment for not more than one year and a fine of not more than one thousand dollars ($1,000)".

Sec. 10. The last sentence of G.S. 163-271 is rewritten to read: "A violation of this section is a misdemeanor."

Sec. 11. G.S. 163-273(a) is amended by deleting ", and upon conviction shall be fined or imprisoned, or both, in the discretion of the court".

Sec. 12. G.S. 163-274 is amended by deleting ", and upon conviction shall be fined or imprisoned, or both, in the discretion of the court".

Sec. 13. G.S. 163-275 is amended by deleting "Class H felony", and substituting "felony".

Sec. 14. G.S. 163-278.13(f) is amended by deleting "and shall be fined not more than one thousand dollars ($1,000), or impriuosned for not more than one year, or be both fined and imprisoned".

Sec. 15. The first sentence of G.S. 163-278.19(c) is reqritten to read: "A violation of this section is a misdemeanor."

Sec. 16. G.S. 163-278.27(a) is amended by deleting "and shall be fined not more thanm one thousand dollars (1,000) if an individual, and not more than five thousand dollars ($5,000) if a person other than an individual, or imprisoned for not more than one year, or be both fined and imprisoned"

Sec. 17. G.S. 163-278.44 is amended by deleting "and shall be fined not more than one thousand dollars (1,000) if an individual, and not more than five thousand dollars ($5,000) if a person other than an individual, or imprisoned for not more than one year, or be both fined and imprisoned"

Sec. 18. Article 22 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"<163-272.1. **Penalties for violation of this Chapter.** (a) Whenever in this chapter it is provided that a crime is a felony, it is a Class I felony.

(b) Whenever in this Chapter it is provided that a crime is a misdemeanor, the punishment shall be imprisonment for not more than six months, or a fine of not more than one thousand dollars ($1,000), or both, in the discretion of the court."

Sec. 19. This act applies only to offenses committed on or after October 1, 1987.

Draft #13

A BILL TO BE ENTITLED

AN ACT TO BRING NORTH CAROLINA INTO COMPLIANCE WITH A COURT DECISION CONCERNING STRAIGHT-TICKET VOTING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-151(5) is amended by inserting between "shall" and the colon the following: "do so in either of the following ways"

Sec. 2. G.S. 163-151(5)b is rewritten to read:

"b. Mark the party circle of one party and also mark the voting square opposite the name of any candidate or candidates of any other party. The ballot shall be counted as a straight ticket for all candidates of the party whose circle was marked except for a candidate for an office for which the voter has marked the candidate of any other party, in which case the vote marked for any candidate or candidates of any other party shall be counted instead for that office."

Sec. 3. G.S. 163-151(6)d is rewritten to read:

"d. If the voter has marked the party circle of one party, he ~~shall/not~~ may write in the name of a person under the name of a candidate in any other party. In such case, the write-in shall ~~not~~ be counted, ~~but~~ and otherwise the ballot shall be counted for all candidates of the party whose circle was marked except for the office for which there is a write-in."

Sec. 4. G.S. 163-170(5)d.2 is rewritten to read:

2. If the voter has marked the party circle at the top of the column of a political party, and has made a write-in under the name of a candidate printed in a column of a different political party, the write-in shall not be counted, and otherwise the ballot shall be counted as a vote for all candidates of the party in whose circle he has marked except for the office for which there is a write-in.

Sec. 5. G.S. 163-170(6)a is rewritten to read:

"a. If the voter has marked the party circle of one party and also marked the voting square of individual candidates of another party, the ballot shall be counted as a straight ballot and counted as for every candidate for the party whose circle has been marked ticket for all candidates of the party whose circle was marked except for a candidate for an office for which the voter has marked the candidate of any other party, in which case the vote marked for any candidate or candidates of any other party shall be counted instead for that office."

Sec. 6. G.S. 163-151 is amended by adding the following new subdivision:

"(7) Multi-seat races. If the voter should mark the party circle of one party and also mark the voting square opposite the name of candidates of any other party in a multi-seat race, only those candidates of any party beside whose name the voting square is marked shall receive a vote."

Sec. 7. 163-170(5)d is amended by adding:

"3. In a multi-seat race, if the voter has marked the party circle at the top of the column of a political party and has made a write-in under the name of a candidate printed in a column of a different political party, only the write-in and those other candidates of any party beside whose name the voting square is marked shall receive a vote."

Sec. 8. G.S. 163-170(6) is amended by adding:

"c. In a multi-seat race, if the voter has marked the party circle at the top of the column of a political party and has marked the voting square of a candidate of any other party, only those candidates of any party beside whose names the voting squares are marked shall receive a vote."

Sec. 9. G.S. 163-140(b)(2) is amended in the second set of ballot instructions after the 36th line by deleting paragraph b., relettering paragraph c. as paragraph d., and inserting the following new paragraphs:

"b. You may vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of the candidate(s) of a different party for whom you wish to vote.

c. You may also vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

Sec. 10. G.S. 163-140(b)(3) is amended in the second set of ballot instructions after the 38th line by deleting paragraph b., relettering paragraph c. as paragraph d., and inserting the following new paragraphs:

"b. You may vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of the candidate(s) of a different party for whom you wish to vote.

c. You may also vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

Sec. 11. G.S. 163-140(b)(4) is amended by deleting paragraphs b. and c. and substituting the following

"b. You may vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of the candidate(s) of a different party for whom you wish to vote. In any multi-seat race where a party circle is marked and you vote for candidates of another party, in order for your vote to count for any candidates for that office of the party for which you marked the party circle you must make a cross (X) mark opposite the name of those candidate(s)

c. You may also vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

Sec. 12. G.S. 163-140(b)(5) is amended by deleting paragraphs b. and c. and substituting the following

"b. You may vote a split ticket by marking a cross (X) mark in the party circle and then making a cross (X) mark in the square opposite the name of the candidate(s) of a different party for whom you wish to vote. In any multi-seat race where a party circle is marked and you vote for candidates of another party, in order for your vote to count for any candidates for that office of the party for which you marked the party circle you must make a cross (X) mark opposite the name of those candidate(s)

c. You may also vote a split ticket by not marking a cross (X) mark in the party circle, but by making a cross (X) mark in the square opposite the name of each candidate for whom you wish to vote.

Sec. 13. The last sentence of G.S. 163-140(a) is rwritten to read: "Whenever two or more ballots are combined, the voting instructions for the State ballot set out in subsection (b)(4) of this section shall be used, except that if the two ballots being combined do not contain a multi-seat race, then the second sentence of instruction b. shall not appear on the ballot."

Sec. 14. G.S. 163-140(b)(4) is amended by adding the following at the end: "If the State ballot contains no multi-seat race, then the second sentence of instruction b. shall not appear on the ballot."

Sec. 15. G.S. 163-140(b)(5) is amended by adding the following at the end: "If the county ballot contains no multi-seat race, then the second sentence of instruction b. shall not appear on the ballot."

Sec. 16. Chapter 1099, Session Laws of 1983 is repealed.

Sec. 17. This act shall become effective with respect to elections held on or after September 1, 1987.

Draft #14

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A PROCEDURE FOR COUNTING WRITE-IN BALLOTS IN VOTING SYSTEMS WHERE BALLOTS ARE ELCTRONICALLY COUNTED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-140 is amended by adding a new subsection to read:

"(f) Write-ins.- In any case where ballots are counted by an electronic scanning device, every ballot prepared for use in an election but not in a primary, shall contain adequate space for a write-in vote under the name of each candidate printed on that ballot, including each candidate in a multi-seat contest, a square shall be placed somewhere on the ballot, and the following additional instruction shall be placed on the ballot: 'in order for a write-in vote to be counted, you must write in the name of the candidate under the name of a candidate for that office, and you must (mark)(punch) the write-in square on this ballot in order for any write-ins to be counted"

Sec. 2. G.S. 163-170(5) is amended by adding a new subdivision to read:

e. If the ballot contains a write-in square which must be marked or punched in accordance with G.S. 163-140(f), write-in votes shall only be counted if that square is marked or punched.

Sec. 3. This act shall become effective with respect to elections held on or after September 1, 1986.

APPENDIX A

MEMBERS OF COMMITTEE ON CAMPAIGN AND ELECTION PROCEDURES

Senate	House
Senator William N. Martin Cochairman	Representative Robert C. Hunter Cochairman
Dr. Melvin Broadnax	Representative James W. Crawford, Jr.
Senator Laurence A. Cobb	Representative Annie Brown Kennedy
Senator J. Richard Conder	Representative George W. Miller, Jr.
Professor David Olson	Mr. Carl J. Stewart, Jr.

Representative Chris Barker, LRC Member

GENERAL ASSEMBLY OF NORTH CAROLINA

1985 SESSION (REGULAR SESSION, 1986)

RATIFIED BILL

CHAPTER 1032
HOUSE BILL 2141

AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, AND TO MAKE OTHER AMENDMENTS AFFECTING THE RAILROAD NEGOTIATING COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Studies Authorized. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1985 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope and aspects of the study. The topics are:

(1) Uniform System of Voting Machines (H.B. 1664 - Wood),

(2) Adolescent Pregnancy and Premature Births (H.B. 2078 - Jeralds),

(3) Low-Level Radioactive Waste Regulation (S.B. 882 - Tally),

(4) Campaign and Election Procedures (S.B. 1002 - Martin, W.)

(5) Veterans Cemetery Study (H.B. 2117 - Lancaster).

Sec. 2. Transportation Matters. The Legislative Research Commission may study the actions proposed in the following portions of Senate Bill 866 of the 1985 General Assembly as introduced by Senator Redman:

Part I
Parts VII through XIII, and
Part XV.

Sec. 3. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1987 General Assembly.

Sec. 4. Bills and Resolution References. The listing of the original bill or resolution in Sections 1 through 3 of this act is for reference purposes only and shall not be deemed to have incorporated by reference any of the substantive provisions contained in the original bill or resolution.

-----EXTEND COMPLIANCE WITH VOTING ACCESSIBILITY FOR THE ELDERLY AND HANDICAPPED ACT.

Sec. 4.1. Section 4 of Chapter 4, Session Laws of the Extra Session of 1986 is amended by deleting "October 1, 1986" and substituting "July 1, 1987".

-----RAILROAD NEGOTIATING COMMISSION AMENDMENTS.

Sec. 5. Section 13.4(b) of Chapter 792, Session Laws of 1985 is rewritten to read:

"(b) The cochairmen of the Commission may appoint an executive committee for such purposes as determined by the Commission."

Sec. 6. The first sentence of Section 13.7(4) of Chapter 792, Session Laws of 1985 is repealed.

Sec. 7. Section 13.8 of Chapter 792, Session Laws of 1985 is amended by adding the following at the end:

"The Boards of Directors of the railroads (or the Board of Directors of the railroad, if the two railroads are merged or combined) each should appoint a negotiating committee to conduct negotiations concerning the leases. If such committees are established, the Commission shall designate two or more of its members (other than the Commission members appointed under subdivisions (6) and (7) of Section 13.2 of this act) who may attend the negotiating sessions of each railroad, without a vote; provided that if the two railroads are not merged or combined, no person so designated may attend the negotiating sessions of both railroads."

Sec. 8. Section 13.10 of Chapter 792, Session Laws of 1985 is repealed.

Sec. 9. Section 13.14 of Chapter 792, Session Laws of 1985 is rewritten to read:

"Sec. 13.14. The Commission shall advise the Governor and General Assembly of its opinion as to whether the Governor should vote his proxy to approve any lease negotiated by the Board of Directors of each railroad, or the Board of Directors of a merged or combined railroad, if such lease requires shareholder approval, and shall advise the Council of State whether it should approve the lease under Chapter 124 of the General Statutes."

Sec. 10. Section 13.15 of Chapter 792, Session Laws of 1985 is amended by adding the following immediately before the period at the end: ", and shall recommend the same to the Governor, in the exercise of his executive function of disposing of property. In any vote on whether the stock held by the State should be sold, the members appointed under subdivisions (6) and (7) of Section 13.2 of this act would be invited to attend the meetings in this regard and to offer the Commission advice and opinion, but would not be entitled to vote."

Sec. 11. Article 6A.1 of Chapter 120 of the General Statutes is amended by adding a new section to read:

"§ 120-30.9H. Decision letters of U. S. Attorney General published in North Carolina Register.--All letters and other documents received by the authorities required by this Article to submit any 'changes affecting voting' from the Attorney General or the United States in which a final decision is made concerning a submitted 'change affecting voting' shall be filed with the Director of the Office of Administrative Hearings. The Director shall publish the letters and other documents in the North Carolina Register."

Sec. 12. G.S. 150B-63(d1) is amended by adding between the words "information" and "relating" the words "required by law to be published in it, and information".

Sec. 12.1. Chapter 792 of the 1985 Session Laws (First Session, 1985) is amended by adding the following to Section 11.7:

"Upon the approval of the Legislative Services Commission, additional expenses of the Study Commission on State Parks and

Recreation Areas shall be paid from funds appropriated to the General Assembly for the 1986-87 fiscal year."

Sec. 12.2. Used Tire and Waste Oil Disposal. The Legislative Research Commission may study problems surrounding the environmentally safe disposal of used tires and waste oil and their possible solutions.

Sec. 13. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 16th day of July, 1986.

ROBERT B. JORDAN III

Robert B. Jordan III
President of the Senate

LISTON B. RAMSEY

Liston B. Ramsey
Speaker of the House of Representatives

Appendix C

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1985

S

I

SENATE BILL 1002

Short Title: LRC Study Elections. (Public)

Sponsors: Senators Martin of Guilford; Hunt of Moore.

Referred to: Rules and Operation of the Senate.

June 17, 1986

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CAMPAIGNING AND ELECTION PROCEDURES SO AS TO INCREASE THE LIKELIHOOD THAT CANDIDATES AND ISSUES WILL BE SUPPORTED OR OPPOSED BASED ON THEIR MERITS.

The General Assembly of North Carolina enacts:

Section 1. The Legislative Research Commission may study:

(1) possible ways in which campaigning and election procedures can be modified so as to increase the likelihood that candidates and issues will be supported or opposed based on their merits;

(2) possible ways in which campaign periods, election dates, terms of office or other factors could be modified so as to increase media coverage, voter interest and participation; and citizen education relative to political campaigns and elections; and

(3) whether it would be advantageous for North Carolina citizens if elections of candidates for federal office were held at different times from elections

of candidates for statewide and legislative office; and, if so, what changes should be made to effect such separation.

Sec. 2. The Legislative Research Commission may report to the 1987 Regular Session of the General Assembly on the study authorized by Section 1 of this act.

Sec. 3. There is appropriated from the General Fund to the Legislative Research Commission for fiscal year 1986-87 the sum of ten thousand dollars ($10,000) to implement this act.

Sec. 4. This act shall become effective July 1, 1986.

NORTH CAROLINA GENERAL ASSEMBLY
LEGISLATIVE SERVICES OFFICE
2129 STATE LEGISLATIVE BUILDING
RALEIGH 27611

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October 13, 1986

MEMORANDUM

TO: Members of the Committee on Campaign and Election Procedures

FROM: Libby Lefler, Staff Attorney

RE: Block Boundary Suggestion Program

I. Description of Program

The purpose of the Block Boundary Suggestion Program is to obtain census data in 1990 by precincts. This will aid in redistricting and also allow the counties to have the information for local elections.

In order to obtain census data by precincts, North Carolina must show the Census Bureau where the precinct boundaries are. Thus, current maps showing precinct boundaries are needed. The primary restriction imposed by the Census Bureau is that precinct boundaries must be coterminous with a major physical feature, a current township boundary, or a current municipal boundary.

There are three stages to this program. During the first stage, the State had to request the Census Bureau to place on the census feature change maps the physical features that either serve as precinct boundaries or are located near precinct boundaries. In order to do this, the counties drew their precinct boundaries on census maps supplied by the Legislative Services Office. If the precinct boundary was not a physical feature, then the county identified nearby physical features that might later serve as a precinct boundary. No precinct boundary changes were required at this stage. The purpose was merely to identify current precinct boundaries and locate nearby physical features that might later serve as precinct boundaries. If there was a dispute as to where a precinct boundary was located, then both lines were identified.

The second stage of the program occurs in late 1988 or early 1989. At that point the Census Bureau will send the State the updated feature change maps with physical features. The counties will draw precinct boundaries on the map. If there was a dispute in 1985 as to the location of a precinct boundary, the county must decide in 1988 where the boundary is.

In 1988 all precinct boundaries drawn on the map must be coterminous with a physical feature on the census map, a current township boundary, or a current municipal boundary. If a precinct boundary is not coterminous with one of these physical features, township boundaries, or municipal boundaries, it will need to be adjusted so that it is coterminous. The county will decide where the boundary should be moved. Any changes in precinct lines would not have to be effective until January 1, 1992. Hopefully, only minor changes will need to be made since nearby physical features will be on the map.

The final stage of this program occurs in 1991 when the State receives its census data back by precincts. Again, this information will be available to counties for their local elections. Also, redistricting should be a much easier task. If a county has to be divided into more than one legislative district, it is hoped that a precinct would not have to be divided into more than one legislative district since precinct data will be available.

II. Phase One

In 1985 the General Assembly enacted legislation that authorized North Carolina to participate in the Block Boundary Suggestion Program. A copy of the legislation is attached. The legislation applied to any county with a population of 55,000 or greater.

In August 1985 the counties were sent a letter describing the program. Each county was asked to respond in writing as to whether they would participate in the program. Thirty-five counties agreed to participate in Phase One of the Program. A list of the counties is attached. The only two counties with a population of 55,000 or greater that did not participate are Wayne and Halifax.

The Legislative Services Commission contracted with Land Resources Information Services (LRIS) to provide technical assistance.

During Phase One the counties were given the census maps for their county and asked to draw the current precinct lines. The counties also were asked to identify all precinct lines that followed a physical feature as defined by the Census Bureau. If the precinct line did not follow a physical feature, the counties were asked to identify nearby physical features. No changes to precinct lines were required.

Eleven training sessions were held throughout the state to assist the counties. At these sessions we explained the type of maps that were being used and reviewed the directions. Each set of directions was specific for that county. Further, if a county requested special assistance during the Program, a trip was made to the county.

After the maps were returned, we reviewed the maps and met with the Census Bureau to request that the physical features be held on the Census maps.

III. Phase Two

In late 1988 or early 1989 the Census Bureau will mail the State updated maps. The State, with the aid of the counties, will draw precinct lines on the maps. The Census will supply census data for these precincts. Thus, the precinct lines supplied by the counties in 1988 are the precinct lines that will be used in redistricting in 1991. The Census Bureau will not be able to incorporate any changes to precinct lines made after the maps are returned to the Census Bureau in 1989.

There is a meeting of the NCSL Reapportionment Subcommittee in Charleston, South Carolina on November 7, 1986. The Census Bureau will have information at this meeting concerning the scheduling and guidelines for Phase Two.

LL:sc
L-142
Attachment

ARTICLE 12A.

Precinct Boundaries.

§ 163-132.1. Voluntary participation in Block Boundary Suggestion Program.

Not later than December 1, 1985, the Legislative Services Office shall poll the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a major physical feature, as identified under the criteria to be established pursuant to 13 U.S.C. § 141(c), a current township boundary, or a current municipal boundary. The Legislative Services Office shall:

(1) Assist county boards of elections in identifying the precincts with those nonconforming boundaries;

(2) Place those boundaries on maps deemed appropriate by the State Board;

(3) Request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all major physical features on the map near the nonconforming precinct boundary; and

(4) Request the U.S. Census Bureau to hold for census block identification in the 1990 U.S. Census all other major physical features already on U.S. Census Bureau maps. (1985, c. 757, s. 205(a).)

Editor's Note. — Session Laws 1985, c. 757, s. 205(f) makes this Article effective upon ratification. The act was ratified July 15, 1985.

§ 163-132.2. Establishment of precinct boundaries for 1990 Census.

(a) The Legislative Services Office as soon as it receives the U.S. Census Bureau's official census block maps to be used in the 1990 U.S. Census shall send the relevant copies of those maps to county boards of elections. After receiving copies of those maps, the county boards of election shall:

(1) Alter, where necessary, precinct boundaries to be coterminous with township boundaries, municipal boundaries, census block boundaries, or a combination of those boundaries provided that if, as a result of the alteration, the polling place is no longer in the precinct, it may continue to be the polling place as long as the lot or tract on which the polling place is situated adjoins the precinct;

(2) Mark all precinct boundaries on the maps sent by the Legislative Services Office; and

(3) File, within 60 days of the date the maps are sent by the Legislative Services Office or at an earlier time deemed necessary by the State Board of Elections, with the State Board and the Legislative Services Office the maps identifying the precinct boundaries and a written description of those boundaries deemed sufficient by the State Board to identify the precincts.

(b) The State Board of Elections and the Legislative Services Office shall examine the returned maps and their written descriptions. After its examination of the maps and their written descriptions, the Legislative Services Office shall submit to the State Board of Elections its opinion as to whether all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, with notations as to where those boundaries do not comply with these standards. If the State Board determines that all precinct boundaries are coterminous with current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, the State Board shall approve the maps and written descriptions as filed and these precincts shall be the official precincts.

(c) If the State Board does not find that the filed precinct boundaries are coterminous with the current township boundaries, current municipal boundaries, census block boundaries, or a combination of those boundaries, the

State Board shall not approve those precinct boundaries but shall alter the precinct boundaries to be coterminous with the census block boundaries, municipal boundaries or township boundaries nearest to those existing precinct boundaries and these altered precincts with their written descriptions prepared by the State Board shall then be the official precincts.

(d) The changes in precinct boundaries under subsections (b) and (c) of this section shall be made effective not later than January 1, 1992.

(e) After the State Board approves or alters the precincts filed by the county boards and before January 2, 1990, no county board of elections may establish, alter, discontinue, or create any precinct except for changes resulting from amending township or municipal boundaries or by division of one precinct into two or more precincts. These changes shall be reported by the county board of elections to the State Board by filing the relevant amended Census maps and written descriptions of the precincts with the State Board and shall not be effective until approved by the State Board. The State Board shall certify these precinct changes to the U.S. Census Bureau.

(f) The State Board of Elections shall request that the U.S. Census Bureau provide summaries of census data by precinct. (1985, c. 757, s. 205(a).)

§ 163-132.3. Alterations to precinct boundaries after January 1, 1990.

For any alteration made to precinct boundaries after January 1, 1990, the county boards of elections shall establish the new boundaries to be coterminous with those of townships, municipalities, the census blocks established under the latest U.S. Census, or a combination of these boundaries. The county boards of elections shall report precinct boundary changes by filing with the State Board on current official census maps the new boundaries of these precincts and their written descriptions deemed sufficient by the State Board to identify these precincts. No newly created or altered precinct boundary occurring after January 1, 1990, is effective until approved by the State Board as being coterminous with the boundaries of townships, municipalities, census blocks established by the then latest U.S. Census, or a combination of those boundaries. (1985, c. 757, s. 205(a).)

§ 163-132.4. Rules.

The State Board of Elections may promulgate rules concerning its duties and those of the county boards of elections under this Article other than under G.S. 163-132.1. The Legislative Services Commission may promulgate rules concerning G.S. 163-132.1. (1985, c. 757, s. 205(a).)

§ 163-132.5. Cooperation of State and local agencies.

The State Budget Office, the Department of Transportation and county and municipal planning departments shall cooperate and assist the Legislative Services Office, the State Board of Elections and the county boards of elections in the implementation of this Article. (1985, c. 757, s. 205(a).)

§ 163-132.6. Applicability of Article.

This Article applies only to counties with a population of 55,000 or over, according to the 1980 decennial federal census. (1985, c. 757, s. 205(a).)

COUNTIES THAT PARTICIPATED IN PHASE ONE
BLOCK BOUNDARY SUGGESTION PROGRAM

Alamance
Buncombe
Burke
Cabarrus
Caldwell
Catawba
Cleveland
Craven
Cumberland
Davidson
Durham
Edgecombe
Forsyth
Gaston
Guilford
Harnett
Henderson
Iredell
Johnston
Lenoir
Mecklenburg
Nash
New Hanover
Onslow
Orange
Pitt
Randolph
Robeson
Rockingham
Rowan
Surry
Union
Wake
Wilkes
Wilson

DEPARTMENT OF COMMERCE

Bureau of the Census

1990 Census Pub. L. 94-171 Program

Under the requirements of Pub. L. 94-171 (13 U.S.C. 141), the Director of the Bureau of the Census is issuing below a statement of the Census Bureau's plans for providing population counts for state legislative reapportionment/redistricting needs. The Census Bureau has provided this statement to the Governor, Secretary of State, and legislative leaders of each state. Copies are available on request from the Director, Bureau of the Census, Washington, DC 20233.

Under the provisions of Pub. L. 94-171, the Census Bureau must provide each state with 1990 census population counts for legislative reapportionment/redistricting. In addition to counts by standard geographic areas (counties, minor civil or census county divisions, incorporated places, census tracts, and census blocks nationwide), the Census Bureau will provide population counts by voting district in participating states by aggregating data for census blocks within those voting districts that meet the criteria issued by the Census Bureau for the 1990 Census Pub. L. 94-171 Program.

The 1990 Census Pub. L. 94-171 Program has three major phases:

Phase 1

The Census Bureau announced this phase, the Block Boundary Suggestion Project, in the April 25, 1985 Federal Register and provided the guidelines and criteria to the Governor, Secretary of State, and legislative leaders of each state. The Census Bureau also offered to meet with officials in each state to discuss this program and answer questions; 40 states participated in such meetings.

The Block Boundary Suggestion Project afforded states the opportunity to suggest certain visible features they wanted the Census Bureau to use as block boundaries in the 1990 census to the extent those features conformed to the criteria issued by the Census Bureau. For any visible feature the state suggests that is not on the Census Bureau's maps, the state staff must provide topographic maps, aerial photographs, or other suitable materials for verification purposes.

July 31, 1985 was the deadline for the state to inform the Census Bureau of its intent to participate in this Project. Forty-two states elected to participate. A list of contact persons in the participating states is available from the Director, Bureau of the Census, Washington, DC 20233.

Phase 2

Beginning in late 1988, the Census Bureau will provide requesting states with copies of preliminary 1990 census maps showing block boundaries. State staff will delineate voting district boundaries using these blocks and the January 1, 1988 boundaries of counties, minor civil divisions, and incorporated places shown on these maps. The Census Bureau will include these voting district boundaries—updated for January 1, 1990 boundaries of counties, minor civil divisions, and incorporated places—in its census geographic system so that it can provide the state with counts for voting districts, voting district equivalents, standard census tabulation areas, and census blocks statewide no later than April 1, 1991.

Those states that are not participating in Phase 1 of the 1990 Census Pub. L. 94-171 Program may participate in Phase 2 by submitting their voting district boundaries on copies of these 1990 census block-numbered maps so long as they follow the boundaries of the census blocks.

Phase 3

The Census Bureau will deliver a copy of the final 1990 census block numbered maps and the 1990 Pub. L. 94-171 data to the Governor and the officers or public bodies having initial responsibility for legislative apportionment or districting in each state by April 1, 1991. States that did not participate in the earlier phases of this program will receive population counts and maps for standard census areas; i.e., counties, incorporated places, minor civil divisions, census tracts, block numbering areas, and census blocks. The planned subject content of these data is total population, major race groups, and Spanish origin. The Census Bureau is considering the feasibility of including voting age population counts.

Participation by a state in the Pub. L. 94-171 Program is voluntary, and questions concerning this Program should be addressed to the Director, Bureau of the Census, Washington, DC 20233.

Dated: March 11, 1986.

John G. Keane,

Director, Bureau of the Census.

[FR Doc. 86-5729 Filed 3-14-86; 8:45 am]

BILLING CODE 3510-07-M

SUBJECTS IN NEED OF REVIEW

1. Withdrawal of candidates after close of filing.

2. Method of counting ballots and form of voter instructions.

3. Incorporation of federal provisions on polling place accessibility for elderly and handicapped.

4. GS 163-114 - amend to provide for nomination without county board order.

5. Prohibit copying of ballots or set out limitations on right to do so.

6. Clarify whether 17 year-olds may register after primary but before close of books for general election.

7. Clarify whether losing primary candidate may run as write-in candidate in general election.

8. Clarify GS 163-230(2)(a) regarding mandatory meetings of county boards of elections to review absentee ballot applications.

9. Provide placement of candidates on general election ballot in alphabetical order.

10. Clarification of authority and duties of State Board of Elections under Administrative Procedures Act.

APPENDIX F

ELECTION OF GOVERNORS

The procedure for election of the Governor of the State is found in the Constitution of each State. Of the 50 states, 34 states elect their Governor for a four year term in the non-Presidential even-numbered year. Four other states elect their Governors for four year terms in odd-numbered years. (this is the system rejected by North Carolina voters in a 1986 referendum.)

Three states elect their Governors for two year terms in even numbered years. The remaining nine states elect their Governors for four year terms in the Presidential election year. Those states are Delaware, Indiana, Missouri, Montana, North Carolina, North Dakota, Utah, Washington, and West Virginia.

If North Carolina were to change to electing the Governor in the non-Presidential even year election for a four year term, a constitutional amendment would be required. Two transition provisions would have to be dealt with: (1) should the transition term be two years or six years; and (2) if a two year term, should the sucession amendment be applied by ignoring the two year term (allowing the Governor elected in 1984 to be elected in 1988 and 1990, as well as allowing the Governor elected in 1988, if different, to be elected again in 1990 and 1994.)

The table on the reverse (source, Book of the States, 1986-87) shows the system in each of the 50 states.

ALABAMA	EVEN NUMBERED NON-PRESIDENTIAL
ALASKA	EVEN NUMBERED NON-PRESIDENTIAL
ARIZONA	EVEN NUMBERED NON-PRESIDENTIAL
ARKANSAS	EVEN NUMBERED NON-PRESIDENTIAL
CALIFORNIA	EVEN NUMBERED NON-PRESIDENTIAL
COLORADO	EVEN NUMBERED NON-PRESIDENTIAL
CONNECTICUT	EVEN NUMBERED NON-PRESIDENTIAL
DELAWARE	PRESIDENTIAL
FLORIDA	EVEN NUMBERED NON-PRESIDENTIAL
GEORGIA	EVEN NUMBERED NON-PRESIDENTIAL
HAWAII	EVEN NUMBERED NON-PRESIDENTIAL
IDAHO	EVEN NUMBERED NON-PRESIDENTIAL
ILLINOIS	EVEN NUMBERED NON-PRESIDENTIAL
INDIANA	PRESIDENTIAL
IOWA	EVEN NUMBERED NON-PRESIDENTIAL
KANSAS	EVEN NUMBERED NON-PRESIDENTIAL
KENTUCKY	EVEN NUMBERED NON-PRESIDENTIAL
LOUISIANA	ODD YEAR
MAINE	EVEN NUMBERED NON-PRESIDENTIAL
MARYLAND	EVEN NUMBERED NON-PRESIDENTIAL
MASSACHUSETTS	EVEN NUMBERED NON-PRESIDENTIAL
MICHIGAN	EVEN NUMBERED NON-PRESIDENTIAL
MINNESOTA	EVEN NUMBERED NON-PRESIDENTIAL
MISSISSIPPI	ODD YEAR
MISSOURI	PRESIDENTIAL
MONTANA	PRESIDENTIAL
NEBRASKA	EVEN NUMBERED NON-PRESIDENTIAL
NEVADA	EVEN NUMBERED NON-PRESIDENTIAL
NEW HAMPSHIRE	TWO YEAR TERMS EVEN NUMBERED YEARS
NEW JERSEY	ODD YEAR
NEW MEXICO	EVEN NUMBERED NON-PRESIDENTIAL
NEW YORK	EVEN NUMBERED NON-PRESIDENTIAL
NORTH CAROLINA	PRESIDENTIAL
NORTH DAKOTA	PRESIDENTIAL
OHIO	EVEN NUMBERED NON-PRESIDENTIAL
OKLAHOMA	EVEN NUMBERED NON-PRESIDENTIAL
OREGON	EVEN NUMBERED NON-PRESIDENTIAL
PENNSYLVANIA	EVEN NUMBERED NON-PRESIDENTIAL
RHODE ISLAND	TWO YEAR TERMS EVEN NUMBERED YEARS
SOUTH CAROLINA	EVEN NUMBERED NON-PRESIDENTIAL
SOUTH DAKOTA	EVEN NUMBERED NON-PRESIDENTIAL
TENNESSEE	EVEN NUMBERED NON-PRESIDENTIAL
TEXAS	EVEN NUMBERED NON-PRESIDENTIAL
UTAH	PRESIDENTIAL
VERMONT	TWO YEAR TERMS EVEN NUMBERED YEARS
VIRGINIA	ODD YEAR
WASHINGTON	PRESIDENTIAL
WEST VIRGINIA	PRESIDENTIAL
WISCONSIN	EVEN NUMBERED NON-PRESIDENTIAL
WYOMING	EVEN NUMBERED NON-PRESIDENTIAL

CHANGING THE GROUND RULES FOR STATE ELECTIONS

Thad L. Beyle and Luther B. Faggart
Department of Political Science
University of North Carolina at Chapel Hill

The proposal for choosing governors (and other statewide elected officials)* in off-year elections has earned attention in North Carolina due to a constitutional amendment on the ballot in May 1986. Although the General Assembly's idea of off-presidential year statewide elections in odd years was defeated by the voters, the debate over off-year elections continues, this time including the alternative of holding statewide elections in the even, non-presidential election years.

This short statement looks at the historical setting for the number of states electing governors during presidential election years and will explore briefly three options for those remaining states who elected a governor to a four-year term in 1984. We should note that this particular proposal is part of a three piece reform package suggested for the governorship: a four year term; succession; and off-presidential year elections. These are highly interrelated as will be evident in our argument.

The Importance of Term Length

In 1945, twenty-two states elected governors for two-year terms, twenty-five for a four-year term, and one for a three-year term (New Jersey). Of those twenty-five with a four-year term, ten states (Delaware, Florida, Illinois, Indiana, Missouri, Montana, North Carolina, Utah, Washington, and West Virginia) elected their governors during the presidential election year. Thus up to thirty-two states held their statewide elections in conjunction with a presidential election. [North Carolina moved to a four year term under the 1868 constitution.]

The constitutional reform movement changing gubernatorial terms to four-years was almost completely successful over the next forty years with only three states remaining in 1986 whose governor serves the shorter term (New Hampshire, Vermont, and Rhode Island). New Hampshire voters rejected a proposed amendment for a switch to a four year term in 1986. Arkansas is the most recent convert beginning its four year terms with the 1986 elections. New Jersey switched to a full four year term around 1950. Thus, as of 1988 only twelve states will be selecting their governor while the nation selects a president.

Of the nineteen states switching to a four-year term, only North Dakota chose to hold its gubernatorial election during the presidential election year. In 1982, the voters of North Dakota rejected a proposed constitutional amendment which would have moved their gubernatorial elections to the off-year in 1990.[1]

The ranks of the presidential election year states was thinned further by the defection of Florida and Illinois to off-year elections. In 1964 Florida Governor Hayden Burns (D) was elected to an abbreviated two-year term which reverted to the regular four years after the 1966 election (this sans an unlucky Burns who lost in his attempt for re-election). James Thompson (R) was first elected Governor of Illinois in 1976 to the special two-year term which then placed Illinois into the non-presidential year column. In 1978, Thompson was reelected to a restored four-year term and continues to be re-elected (1982 and 1986).

There are no examples of a transition from presidential to non-presidential election years in the states which involve a temporarily expanded six-year term for the governor. Evidently a six-year extended term for statewide

elected officials is not appealing. The accountability of elected executives is too important to allow anyone, regardless of party, to serve the extra two years. And extra elections can never hurt in a democracy.

In 1986, thirty-six states held gubernatorial elections, including the three that continue to choose their chief executive in every even year for two year terms. Five states now hold their gubernatorial elections in odd-numbered years, New Jersey and Virginia doing so in 1985 and Kentucky, Louisiana and Mississippi to do so in 1987.[2]

It is important to note that of fifty states, only nine elect their governor to a four-year term during a presidential election year; and that twenty-three other states could have easily joined them had they so desired -- the nineteen states which formerly had two-year terms, Illinois and Florida, and Hawaii and Alaska when they were admitted to statehood in 1958.

OPTIONS TO CONSIDER

For those remaining nine states there are three options to consider: do nothing; change to an non-presidential (even) off-year election; or change to an odd-year election.

The First Option. "If It Ain't Broke, Don't Fix It." To do nothing is a most viable option: obviously nothing changes, and politics continues to operate under the same political ground rules. This is such a viable option that it probably will be the choice most of the nine states will make, as there is really no choice involved: things just stay as they are.

For those states concerned with enhancing voter turn-out this timing of the elections makes sense. Voter turn-out is higher when the choice for president is at the top of the ticket. However, those concerned with the political effects of a successful or unsuccessful presidential campaign

within a state or with the presidential candidate's positive or negative "coattails" should take a second look. Presidential coattails are very short at the gubernatorial level and North Carolinians should not overemphasize their importance.

After studying state elections between 1928-1952, the late political scientist Coleman Ransone of the University of Alabama stated,

> Taking the evidence on all of these groups over the period 1928-1952, it would seem that the coattails theory has some application in years in which there is a change in the presidency from one major party to the other. In the interval between such changes the presidential race does not seem to be a decisive factor in gubernatorial politics in most states.
>
> Of the three groups of states suggested in this study, the group which seems to be most affected by the pull of presidential elections is the two-party group. The presidential race has apparently no effect on the governorship in the one-party states and only a fleeting effect on the normally Republican group. In the two-party states the effects of the Roosevelt sweep in 1932 apparently lasted for two elections, since 1936 was a high point in the correlation between the two races.
>
> From 1940 to 1952, however, the correlation was negative, while in 1952 the shift to the Republicans in both presidential and gubernatorial races gives some support to the cottails theory. It would seem, therefore, that even in these states the hypothesis should be applied with caution. Taking the states as a whole, the writer does not feel that the pull of the presidential election is generally a decisive factor in gubernatorial politics.[3]

To update his argument, the Reagan years can be included. During the Republican watershed year of 1980 -- Reagan's coast-to-coast win and the U.S. Senate takeover -- gains in the statehouses were less dramatic. Of the thirteen gubernatorial races, the Republicans won seven, the Democrats took six.[4] The Republicans won two of the three open seats, defeated three Democratic incumbents, and two Republican incumbents successfully won re-election. In addition to winning one of the three open seats, five incumbent Democrats won reelection.

In the 1984 Reagan landslide, Republicans won eight of the thirteen seats up, claiming six of the seven open seats. However, in the six races

in which incumbents sought reelection, the two Democrats won, while only two of the four Republicans were able hold on to their seats.

The numbers are not overwhelming in view of Reagan's 1980 and 1984 elections. In fact, the Republicans greatest gubernatorial successes came in 1986 with a net gain of eight seats, reaching virtual parity with the Democrats (24 to 26 seats) and winning important Sun Belt beachheads in Florida, South Carolina and Texas -- all in an off-year election when President Reagan was assigned to the status of "lame duck" by most politicians and political observers, and in which the President's forays into the states were on behalf of candidates for the U.S. Senate.

The point of this argument is to prevent assigning all of one party's triumphs and another's failures to the elusive theory of presidential coattails. Given these doubts neither party should pin its hopes on the influence of the head of its ticket. And party fortunes change: one year's salvation (a popular president) may be the next gubernatorial campaign's albatross.

The Second Option. "Thirty-three states can't be wrong." Thirty-three of the forty-seven states with four year terms (70%) conduct their statewide elections in the even years between presidential elections. The main attraction of this option is the ability of the candidates and voters to concentrate on state issues and campaigns. Presidential and senatorial elections tend to drown out the gubernatorial competition when all three are held during the same year, as we saw here in 1984. State contests can be nationalized and state issues ignored. North Carolina's increasing party competiveness should encourage both Republicans and Democrats to fight out state issues in the broad daylight of an even-year, off-presidential year election.

Larry Sabato also sees such off-presidential year elections as increasing governors chances in presidential races.

> With politically more secure home bases, governors thus are becoming more attractive to their parties as potential presidential nominees. Senators continue to hold the tenure advantage, but the gap has been narrowed considerably by the extension of virtually all governors' terms from two to four years, the addition of succession term provisions for governors, and the shift of gubernatorial elections to non-presidential years -- all of which afford governors some of the same political benefits that U.S. senators derive from their term structure.[5]

While this argument may be persuasive, it seems unlikely that in an era of full-time presidential campaigning a sitting governor can mount a nationwide campaign effort and not provoke the wrath of voters back home. The last two presidents, Jimmy Carter and Ronald Reagan, did step from the governor's chair to the White House - but they had time between these two stops to do the necessary campaigning to win their party's nomination and then the general election. Two current presidential aspirants in the 1988 presidential campaign, former governors Bruce Babbitt [D] of Arizona and Pete duPont of Delaware are attempting to follow the same road.

The Third Option. Five states have opted for the odd-year, off-presidential year election for their statewide elections. The only other advantage besides those discussed above is the possibly increased field of gubernatorial aspirants.

> Off-year gubernatorial elections also attract congressional candidates. Edwin Edwards, D.-La., his successor David Treen, R.-La., and William Cahill, R.-N.J., are three recent examples of House members who ran for (and won) governorships in off-year elections. Because they would have retained their seats even if they had lost, their candidacies were low-risk political ventures.[6]

However, that one consideration is far outweighed by the negatives of this third option. One is the high visibility accorded these few states' campaigns by the media and political observers. Trends and issues in these

elections are often extrapolated as potential national issues and trends.

In effect, they can become nationalized as there is so little other political news to follow. A second we saw here in North Carolina when the General Assembly set a May 1986 constitutional amendment vote, strong opposition to the change quickly formed. The ill-fated amendment would have set up the election for the state legislature in 1989 (rather than 1988) and those elected in 1986 would have served an extended three-year term. Statewide elected officials would have served a five year term, and the next election would be in 1993 rather than 1992. The normal rhythm of our state political system would have been disrupted and no one could forsee who would win, if any, or lose due to the change.

As you well know Governor Martin opposed this proposed amendment and set up a committee to lead the campaign against the amendment. The Committee based its opposition on the increased costs of adding a new statewide election and the effects of continuous campaigning, in some cycles, of three years in a row.[7]

There was other opposition too. The Charlotte Observer called the amendment "a bad idea" and supported option two.[8] The Winston-Salem Journal decried the "sorry performance" of the legislature in placing the amendment on the ballot and called for its defeat.[9] The Raleigh News and Observer ran this editorial in opposition to the amendment:

> When state legislators drafted a constitutional amendment that would shift state and county elections to odd numbered years, they botched the rescheduling. Voters ought to defeat the amendment.
>
> Most states already have detached their own elections from presidential elections. Legislators make a strong argument that holding state and county elections on non-presidential election years would remove them from the shadow of national campaigns and direct attention to state politics and issues. Shifting state elections to even-numbered non-presidential elections years would have made sense.
>
> But that is not what the General Assembly proposed. It selected odd numbered years. This would burden voters and political

> parties. As governor's race would begin just as a presidential election ended. Once campaigns for governor and other statewide offices closed, campaigns for U.S. senator and Congress would open. Under the amendment, therefore, there would be at least three straight years with major elections, straining party resources and detaching congressional slates from state slates.
>
> The odd-year amendment has other drawbacks: 1) A proliferation of elections could result in voter fatigue and a drop in turnouts, which already are low. 2) Local elections could suffer from being in the shadow of statewide elections.[10]

This final point is perhaps the most important outcome of such a change: the potential overpowering impact of the state wide elections on local government elections. In effect, if the amendment were adopted to separate national and state elections and issues, it might have caused the same problem for the local governments and local politics by having state elections clouding local concerns and issues. The odd-year amendment lost, 58 percent voting "NO" and 42 percent "YES".

SUMMARY

The most attractive option is the second, the movement of statewide elections to the non-presidential (even) election year. The question then becomes timing. North Carolina could choose 1988 for election to a two-year term and then 1990 to full four-year term or a 1992 and 1994 combination. The political affiliation of the sitting governor has considerable influence on the choice, as does the sense of fair play.

The best approach to consider a change in the ground rules of state politics such as this is to separate the personalities involved from the reform sought. Therefore the preferred option would be to have the change begin with the 1992 elections, with the winners then serving a two year term. In 1994, the elections for regular four year terms would begin as would the succession clock for the governor and lieutenant governor.

By doing this, North Carolina would have completed the three step

reform many have called for: a four year term for the governor; gubernatorial succession; and the separation of state and national elections.

NOTES

* For ease of presentation this discussion will be phrased as gubernatorial elections which will be shorthand for statewide elected state government officials.

1 The Book of the States (1945-1984) was used for this information.

2 Congressional Quarterly Weekly Report

3 Ransone, pp. 90-91.

4 Newsweek, p.41.

5 Sabato, p. 194.

6 Ibid., p. 41.

7 News and Observer (May 5, 1986), p. 28A.

8 The Charlotte Observer, (July 17, 1985).

9 Winston-Salem Journal, (July 18, 1985).

10 News and Observer (May 5, 1986), p. 20A.

Sources

Larry J. Sabato, Goodbye to Good-time Charlie. Washington, D.C.: CQ Press (1983), 243 pp. 2nd Edition.

Coleman P. Ransone, Jr., The Office of Governor in the United States. University, Alabama: University of Alabama Press (1956), 417 pp.

"Democrat' Spite, Voting Change a Bad Idea," The Charlotte Observer, July 17, 1985

"Sorry Performance," Winston-Salem Journal, July 18, 1985.

"Odd years, wrong years," The News and Observer. Raleigh, N. C., May 2, 1986, p. 20A

"Odd-year referendum given even chance of passage, " The News and Obersver. Raleigh, N.C., May 4, 1986, p. 28A.

"After the Avalanche" (chart), Newsweek. November 17, 1980, p. 41.

Congressional Quarterly Weekly Report (Preview of 1986 Governors' Races). Volume 44, No. 1, January 4, 1986.

The Book of the States. Volumes 5-25 (1943-1984), Chicago and Lexington, KY: The Council of State Governments.

APPENDIX H

Text of House Bill 819, 1985 Session

A BILL TO BE ENTITLED

AN ACT TO ALLOW FOR RECOUNTS IN PRIMARIES AND ELECTIONS WHERE THE MARGIN IS ONE PERCENT OR LESS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-179.1. Mandatory recounts.--(a) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who:

(1) has received the number of votes necessary to be declared nominated for an office in a primary election with a majority; or

(2) has received the number of votes necessary to be declared nominated for an office in a second primary election

and the number of votes received by the candidate receiving the next highest number of votes but not declared nominated under G.S. 163-179 is not more than one percent (1%) of the total votes which were cast for that office, the county board of elections shall, before declaring the person nominated, order a recount of

the primary if the candidate having the next highest number of votes shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(b) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who has been declared elected to an office in a general election and the number of votes received by the candidate receiving the next highest number of votes but not declared elected under G.S. 163-179 shall be not more than one percent (1%) of the total votes which were cast for that office, the county board of elections shall, before issuing a certificate of election, order a recount of the election if the candidate having the next highest number of votes shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(c) The recount shall be conducted under the supervision of the county board of elections.

(d) This section applies to offices other than those covered by G.S. 163-192.1."

Sec. 2. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-192.1. Mandatory recounts.--(a) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who:

(1) has received the number of votes necessary to be declared nominated for an office in a primary election with a majority; or

(2) received the number of votes necessary to be declared nominated for an office in a second primary election

and the number of votes received by the candidate receiving the next highest number of votes but not declared nominated under G.S. 163-192 is not more than one percent (1%) of the total votes which were cast for that office, the State Board of Elections shall, before declaring the person nominated, order a recount of the primary if the candidate having the next highest number of votes shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(b) Whenever, according to the canvass made under this Article, the difference between the number of votes received by a candidate who has been declared elected to an office in a general election and the number of votes received by the candidate receiving the next highest number of votes but not declared elected under G.S. 163-192 shall be not more than one percent (1%) of the total votes which were cast for that office, the State Board of Elections shall, before certifying the result to the Secretary of State under G.S. 163-193, order a recount of the election if the candidate having the next highest number of votes shall, by noon on the second day (Saturdays and Sundays excepted) following the canvass, request in writing such a recount.

(c) The recount shall be conducted under the supervision of the State Board of Elections.

(d) This section applies to the offices listed in G.S. 163-192."

Sec. 3. G.S. 163-22 is amended by adding a new subsection to read:

"(m) The State Board of Elections shall issue rules to regulate recounts held under the provisions of G.S. 163-179.1 or G.S. 163-192.1."

Sec. 4. This act shall become effective with respect to all primaries and elections held on or after January 1, 1986.